

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x
:

UNITED STATES OF AMERICA
:

-v.- BANK RECORDS
:
STIPULATION

DARCY WEDD,
:
S3 15 Cr. 616 (KBF)
Defendant.
- - - - -x

IT IS HEREBY STIPULATED AND AGREED by and among the United States of America, by Joon H. Kim, Acting United States Attorney for the Southern District of New York, Sarah E. Paul, Richard A. Cooper, and Jennifer L. Beidel, Assistant United States Attorneys, of counsel, and Darcy Wedd, the defendant, by and through his attorney, Maurice H. Sercarz, Esq., that:

1. Government Exhibits 501, 502, 504, 505, 505-A, 506, 507, 512, 512-A, 513, 514, 514-A, 515, 518, 520, 521, 522, 525, 527, 531, 532, and 533 contain true and accurate copies of bank records of Bank of America, as more specifically described in the subparagraphs that follow. The information contained in the exhibits was recorded at or near the time that the activity reflected therein took place; was recorded by, or obtained from, persons with knowledge of the activity reflected therein; was kept in the regular course of Bank of America's business activity; and was relied on as a regular practice of Bank of America.

(a) Government Exhibit 501 corresponds to Bank of America accounts ending in 3444, 3512, and 3921, held in the name of Concise Consulting.

(b) Government Exhibits 505 and 505-A correspond to Bank of America accounts ending in 3034 and 2311, held in the name of MDK Media DBA SE Ventures.

(c) Government Exhibits 506 and 507 correspond to Bank of America accounts ending in 8229 and 0596, held in the name of MDK Media Inc.

(d) Government Exhibits 512 and 512-A correspond to Bank of America account ending in 1951, held in the name of MMJX Consulting Inc.

(e) Government Exhibit 502 corresponds to Bank of America account ending in 6316, held in the name of Erdi Development LLC.

(f) Government Exhibits 514, 514-A and 515 correspond to Bank of America accounts ending in 2813 and 7721, held in the name of Phwoar LLC.

(g) Government Exhibit 525 corresponds to Bank of America account ending in 1158, held in the name of Mojiva Media LLC.

(h) Government Exhibits 520 through 522 correspond to Bank of America accounts ending in 0825, 0867, and 5852, held in the name of Ocean Tactics LLC.

(i) Government Exhibits 531 through 533 correspond to Bank of America accounts ending in 5115, 4049, and 1738, held in the name of Tatto.

(j) Government Exhibits 513, 513-A, and 513-B correspond to Bank of America account ending in 6065, held in the name of Darcy M. Wedd.

(k) Government Exhibit 518 corresponds to Bank of America account ending in 1651, held in the name of Fraser R. Thompson.

(l) Government Exhibit 504 corresponds to Bank of America accounts ending in 1689, 5620, and 5699, held in the name of Erdolo Eromo.

(m) Government Exhibit 527 corresponds to Bank of America accounts ending in 3003 and 9296, held in the names of Michael Pajaczkowski and Maria Bokaris.

2. Government Exhibits 503, 508, 509, 523, 528, and 528-A contain true and accurate copies of bank records of JP Morgan Chase, as more specifically described in the subparagraphs that follow. The information contained in the exhibits was recorded

at or near the time that the activity reflected therein took place; was recorded by, or obtained from, persons with knowledge of the activity reflected therein; was kept in the regular course of JP Morgan Chase's business activity; and was relied on as a regular practice of JP Morgan Chase.

(a) Government Exhibits 508 through 509 correspond to JP Morgan Chase accounts ending in 6688, 6654, 0230, 0546, and 7593, held in the name of MDK Media DBA SE Ventures or MDK Media DBA SE Ventures DBA GMK Communications.

(b) Government Exhibit 503 corresponds to JP Morgan Chase accounts ending in 6780 and 7650, held in the name of Erdi Development LLC.

(c) Government Exhibit 523 corresponds to JP Morgan Chase account ending in 9650, held in the name of Advent Consulting Inc.

(d) Government Exhibits 528 and 528-A correspond to JP Morgan Chase account ending in 5081, held in the name of Jonathan Murad.

3. Government Exhibits 516, 516-A, 516-B, 516-C, and 517 contain true and accurate copies of bank records of Wells Fargo accounts ending in 9025, 9323, and 0301, held in the name of Phwoar LLC. The information contained in the exhibits was recorded at or near the time that the activity reflected therein took place; was recorded by, or obtained from, persons with knowledge of the activity reflected therein; was kept in the regular course of Wells Fargo's business activity; and was relied on as a regular practice of Wells Fargo.

4. Government Exhibits 535, 535-A, 535-B, 535-C, 535-D, 536, 536-A, 536-B, and 537 contain true and accurate copies of bank records of Silicon Valley Bank accounts ending in 8904, 9992, and 0220, held in the name of Mobile Messenger. The information contained in the exhibits was recorded at or near the time that the activity reflected therein took place; was recorded by, or obtained from, persons with knowledge of the activity reflected therein; was kept in the regular course of Silicon Valley Bank's business activity; and was relied on as a regular practice of Silicon Valley Bank.

5. IT IS FURTHER STIPULATED AND AGREED that this Stipulation, which is Government Exhibit 1001, and Government Exhibits 501 through 505, 505-A, 506 through 509, 512, 512-A, 513, 513-A and B, 514, 514-A, 515, 516, 516-A through 516-C, 517, 518, 520 through 523, 525, 527, 528, 528-A, 531 through 533, 535, 535-A through 535-D, 536, 536-A and B, and 537 may be admitted into evidence.

Dated: New York, New York
December __, 2017

JOON H. KIM
Acting United States Attorney
Southern District of New York

By: _____
SARAH E. PAUL
RICHARD A. COOPER
JENNIFER L. BEIDEL
Assistant United States Attorneys

MAURICE H. SERCARZ, ESQ.
Attorney for Defendant
DARCY WEDD

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x
:

UNITED STATES OF AMERICA
:

-v.-
: CORPORATE RECORDS
: STIPULATION

DARCY WEDD,
:
S3 15 Cr. 616 (KBF)
Defendant.
- - - - -x

IT IS HEREBY STIPULATED AND AGREED by and among the United States of America, by Joon H. Kim, Acting United States Attorney for the Southern District of New York, Sarah E. Paul, Richard A. Cooper, and Jennifer L. Beidel, Assistant United States Attorneys, of counsel, and Darcy Wedd, the defendant, by and through his attorney, Maurice H. Sercarz, Esq., that:

1. Government Exhibits 603 and 604 contain true and accurate copies of records of the California Secretary of State, as more specifically described in the subparagraphs that follow. The information contained in the exhibits was recorded at or near the time that the activity reflected therein took place; was recorded by, or obtained from, persons with knowledge of the activity reflected therein; was kept in the regular course of the California Secretary of State's business activity; and was relied on as a regular practice of the California Secretary of State.

(a) Government Exhibit 603 corresponds to California Secretary of State records for PHWOAR LLC, which list Darcy Michael Wedd as one of two managers of PHWOAR LLC.

(b) Government Exhibit 604 corresponds to California Secretary of State records for Ocean Tactics, LLC, which list Fraser Thompson as the Chief Executive Officer of Ocean Tactics, LLC.

2. Government Exhibit 602 contains true and accurate copies of records of the Nevada Secretary of State for Mojiva Media LLC, which list Darcy Wedd as the Managing Member. The information contained in the exhibit was recorded at or near the

time that the activity reflected therein took place; was recorded by, or obtained from, persons with knowledge of the activity reflected therein; was kept in the regular course of the Nevada Secretary of State's business activity; and was relied on as a regular practice of the Nevada Secretary of State.

3. IT IS FURTHER STIPULATED AND AGREED that this Stipulation, which is Government Exhibit 1002, and Government Exhibits 602 through 604 may be admitted into evidence.

Dated: New York, New York
December __, 2017

JOON H. KIM
Acting United States Attorney
Southern District of New York

By: _____
SARAH E. PAUL
RICHARD A. COOPER
JENNIFER L. BEIDEL
Assistant United States Attorneys

MAURICE H. SERCARZ, ESQ.
Attorney for Defendant
DARCY WEDD

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x
:

UNITED STATES OF AMERICA
:

-v.- AMERICAN EXPRESS RECORDS
:
STIPULATION

DARCY WEDD,
:
S3 15 Cr. 616 (KBF)
Defendant.
- - - - -x

IT IS HEREBY STIPULATED AND AGREED by and among the United States of America, by Joon H. Kim, Acting United States Attorney for the Southern District of New York, Sarah E. Paul, Richard A. Cooper, and Jennifer L. Beidel, Assistant United States Attorneys, of counsel, and Darcy Wedd, the defendant, by and through his attorney, Maurice H. Sercarz, Esq., that:

1. Government Exhibit 544 contains true and accurate copies of American Express credit card records for the account ending in 5-22002, held in the name of Darcy Wedd. Government Exhibit 544, which has a closing date of January 9, 2012, reflects charges made by Darcy Wedd on a card ending in 5-22002. Government Exhibit 544 also reflects charges made by other persons listed on the same account, specifically:

- (a) Melanie Camp, on a card ending in 5-21020;
- (b) Eugeni Tsvetnenko, on a card ending in 5-25039;
- (c) Amy Dudman, on a card ending in 5-22051;
- (d) Erdolo Eromo, on a card ending in 5-22069;
- (e) Fraser Thompson, on a card ending in 5-21079; and
- (f) Michael Pajaczkowski, on a card ending in 5-21095.

2. The information contained in Government Exhibit 544 was recorded at or near the time that the activity reflected therein took place; was recorded by, or obtained from, persons with knowledge of the activity reflected therein; was kept in the regular course of American Express's business activity; and was relied on as a regular practice of American Express.

3. IT IS FURTHER STIPULATED AND AGREED that this Stipulation, which is Government Exhibit 1004, and Government Exhibit 544 may be admitted into evidence.

Dated: New York, New York
November __, 2017

JOON H. KIM
Acting United States Attorney
Southern District of New York

By: _____
SARAH E. PAUL
RICHARD A. COOPER
JENNIFER L. BEIDEL
Assistant United States Attorneys

MAURICE H. SERCARZ, ESQ.
Attorney for Defendant
DARCY WEDD

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x
:

UNITED STATES OF AMERICA
:

-v.- BNY MELLON
:
STIPULATION

DARCY WEDD,
:
S3 15 Cr. 616 (KBF)
Defendant.
- - - - -x

IT IS HEREBY STIPULATED AND AGREED by and among the United States of America, by Joon H. Kim, Acting United States Attorney for the Southern District of New York, Sarah E. Paul, Richard A. Cooper, and Jennifer L. Beidel, Assistant United States Attorneys, of counsel, and Darcy Wedd, the defendant, by and through his attorney, Maurice H. Sercarz, Esq., that:

1. If called to testify, a representative of Bank of New York Mellon ("BNY") would testify that he is an employee of BNY, a global bank that provide banking and financial services around the world, and that:

a. A "correspondent bank account" is an account that one bank holds on behalf of another bank.

b. BNY holds thousands of correspondent bank accounts for banks around the world, including the Commonwealth Bank of Australia, which is located in Australia.

c. The books and records for the correspondent bank account located at BNY for the Commonwealth Bank of Australia are located at 225 Liberty Street, Manhattan, New York.

d. Government Exhibits 542 and 543 are true and accurate records produced from BNY's systems, and the information contained in those exhibits was (i) made at or near the time of the occurrence of the matters set forth in the records by, or from information transmitted by, a person with knowledge of those matters; (ii) made and kept in the course of a regularly conducted business activity; and (iii) it was the regular practice of BNY to maintain such information.

e. Government Exhibit 543 is a screen capture of a screen in BNY's customer information file regarding one of Commonwealth Bank of Australia's correspondent bank accounts at BNY. Government Exhibit 543 indicates the BNY bank branch at which Commonwealth Bank of Australia's correspondent bank account is located as bank number 801, which is the BNY code for the branch located at 225 Liberty Street, Manhattan, New York. The account number for this correspondent bank account is 80330139331.

f. Each page contained within Government Exhibit 542 reflects a wire transaction from bank accounts in the name of either (i) CF Enterprises Pty Ltd. or (ii) DigiMobi Pty Ltd., at Commonwealth Bank of Australia, to the bank account for SE Ventures, at Bank of America N.A.. Each of those wire transactions was transmitted through the BNY correspondent bank account for Commonwealth Bank of America, account number 80330139331, located in Manhattan, New York.

2. IT IS FURTHER STIPULATED AND AGREED that this Stipulation, which is Government Exhibit 1005, and Government Exhibits 542 and 543, may be admitted into evidence.

Dated: New York, New York
December __, 2017

JOON H. KIM
Acting United States Attorney
Southern District of New York

By: _____
SARAH E. PAUL
RICHARD A. COOPER
JENNIFER L. BEIDEL
Assistant United States Attorneys

MAURICE H. SERCARZ, ESQ.
Attorney for Defendant
DARCY WEDD

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x
:

UNITED STATES OF AMERICA
:

-v.- : AT&T PHONE RECORDS
STIPULATION

DARCY WEDD,
:
Defendant. S3 15 Cr. 616 (KBF)

- - - - -x

IT IS HEREBY STIPULATED AND AGREED by and among the United States of America, by Joon H. Kim, Acting United States Attorney for the Southern District of New York, Sarah E. Paul, Richard A. Cooper, and Jennifer L. Beidel, Assistant United States Attorneys, of counsel, and Darcy Wedd, the defendant, by and through his attorney, Maurice H. Sercarz, Esq., that:

1. Government Exhibits 1701, 1702, 1703, and 1704 contain true and accurate copies of phone records of AT&T for the period of time from January 1, 2012 through December 31, 2012, as more specifically described in the subparagraph that follows. The information contained in these exhibits was recorded at or near the time that the activity reflected therein took place; was recorded by, or obtained from, persons with knowledge of the activity reflected therein; was kept in the regular course of AT&T's business activity; and was relied on as a regular practice of AT&T.

(a) Government Exhibit 1701 corresponds to phone records for subscriber Erdolo Eromo, using the cell phone number 310-384-8437.

(b) Government Exhibit 1702 corresponds to phone records for subscriber Michael Pajaczkowski, using the cell phone number 310-773-6008.

(c) Government Exhibit 1703 corresponds to phone records for subscriber Fraser Thompson, using the cell phone number 310-908-4017.

(d) Government Exhibit 1704 corresponds to phone records for subscriber Darcy Wedd, using the cell phone number 702-340-3984.

(e) Government Exhibits 1701, 1702, 1703, and 1704 reflect accurate dates and times of all communications reflected therein, with times provided as "Universal Time" or "UTC." UTC is seven hours later than the time in the Pacific Time Zone of the United States when that time zone is observing Pacific Daylight Time ("PDT"), and eight hours later than the time in the Pacific Time Zone of the United States when that time zone is observing Pacific Standard Time ("PST"). The Pacific Time Zone of the United States observed PDT between March 11, 2012 and November 4, 2012. On all other dates during the year 2012, the Pacific Time Zone observed PST. For telephone calls placed but not resulting in a connection, the elapsed time for such calls is noted as zero seconds and zero minutes.

2. Government Exhibits 1701 and 1704, the phone records for subscribers Erdolo Eromo and Darcy Wedd, respectively, reflect communications with the cell phone number 61-403-621-811, which was used by Eugeni Tsvetnenko, a/k/a "Zhenya."

3. IT IS FURTHER STIPULATED AND AGREED that this Stipulation, which is Government Exhibit 1006, and Government Exhibits 1701 through 1704 may be admitted into evidence.

Dated: New York, New York
December __, 2017

JOON H. KIM
Acting United States Attorney
Southern District of New York

By: _____
SARAH E. PAUL
RICHARD A. COOPER
JENNIFER L. BEIDEL
Assistant United States Attorneys

MAURICE H. SERCARZ, ESQ.
Attorney for Defendant
DARCY WEDD

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x
:
UNITED STATES OF AMERICA
:
-v.- BANK OF AMERICA
:
DARCY WEDD, STIPULATION
:
S3 15 Cr. 616 (KBF)
Defendant.
- - - - -x

IT IS HEREBY STIPULATED AND AGREED by and among the United States of America, by Joon H. Kim, Acting United States Attorney for the Southern District of New York, Sarah E. Paul, Richard A. Cooper, and Jennifer L. Beidel, Assistant United States Attorneys, of counsel, and Darcy Wedd, the defendant, by and through his attorney, Maurice H. Sercarz, Esq., that:

1. If called to testify, a representative of Bank of America ("BOA") would testify that he is an employee of BOA, a global bank that provide banking and financial services around the world, and that:

a. A "correspondent bank account" is an account that one bank holds on behalf of another bank.

b. BOA holds thousands of correspondent bank accounts for banks around the world, including the National Australia Bank, the Hong Kong and Shanghai Banking Corporation, and Lloyds TSB Bank PLC.

c. The books and records for BOA's correspondent bank accounts are located in various U.S. cities, including Manhattan, New York and San Francisco, California. In BOA records, the city in which correspondent bank account records are held is indicated by a three letter abbreviation. For Manhattan, New York, the abbreviation used is "NYK."

d. Government Exhibit 546 is a true and accurate record produced from BOA's systems, and the information contained in this exhibit was (i) made at or near the time of the occurrence of the matters set forth in the records by, or

from information transmitted by, a person with knowledge of those matters; (ii) made and kept in the course of a regularly conducted business activity; and (iii) it was the regular practice of BOA to maintain such information.

e. Each line entry within Government Exhibit 546 reflects a wire transaction from bank accounts in the name of Tatto Inc., at BOA, to the bank accounts for Celestial Way Limited, Initium Unit Trust, Michael J. Pearse, MJP Corporation Pty. Ltd., New Media Revolution Pty. Ltd., True Merchant Ltd., or Vailstar, at the National Australia Bank, the Hong Kong and Shanghai Banking Corporation, or Lloyds TSB Bank PLC.

f. For each of these wire transactions, column AF of Government Exhibit 546, which is labeled "Credit ID," includes a three letter abbreviation for the city in which the records for the correspondent bank account involved in the wire transaction are held, followed by the account number for that correspondent bank account. For each entry in column AF that begins with "NYK," the wire transaction in that entry involved a correspondent bank account whose records were located in Manhattan, New York.

2. IT IS FURTHER STIPULATED AND AGREED that this Stipulation, which is Government Exhibit 1007, and Government Exhibit 546, may be admitted into evidence.

Dated: New York, New York
December __, 2017

JOON H. KIM
Acting United States Attorney
Southern District of New York

By: _____
SARAH E. PAUL
RICHARD A. COOPER
JENNIFER L. BEIDEL
Assistant United States Attorneys

MAURICE H. SERCARZ, ESQ.
Attorney for Defendant
DARCY WEDD

2. IT IS FURTHER STIPULATED AND AGREED that this Stipulation, which is Government Exhibit 1008, may be admitted into evidence.

Dated: New York, New York
December __, 2017

JOON H. KIM
Acting United States Attorney
Southern District of New York

By: _____
SARAH E. PAUL
RICHARD A. COOPER
JENNIFER L. BEIDEL
Assistant United States Attorneys

MAURICE H. SERCARZ, ESQ.
Attorney for Defendant
DARCY WEDD

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x
:

UNITED STATES OF AMERICA
:

-v.- PHONE RECORDS
:
STIPULATION

DARCY WEDD,
:
S3 15 Cr. 616 (KBF)
Defendant.
- - - - -x

IT IS HEREBY STIPULATED AND AGREED by and among the United States of America, by Joon H. Kim, Acting United States Attorney for the Southern District of New York, Sarah E. Paul, Richard A. Cooper, and Jennifer L. Beidel, Assistant United States Attorneys, of counsel, and Darcy Wedd, the defendant, by and through his attorney, Maurice H. Sercarz, Esq., that:

1. Government Exhibits 905 and 913 through 944 contain true and accurate copies of phone records of T-Mobile, as more specifically described in the subparagraph that follows. The information contained in the exhibits was recorded at or near the time that the activity reflected therein took place; was recorded by, or obtained from, persons with knowledge of the activity reflected therein; was kept in the regular course of T-Mobile's business activity; and was relied on as a regular practice of T-Mobile.

(a) Government Exhibit 905 corresponds to excerpted phone records for subscriber Jennifer Waddell for June through August 2012.

(b) Government Exhibits 913 through 922 correspond to phone records for subscriber Anna Patalano for July through November 2012, January and February 2013, April 2013, and June and July 2013.

(c) Government Exhibits 923 through 925 correspond to phone records for subscriber Daphne Lewis for December 2011 and April and May 2012.

(d) Government Exhibits 926 through 940 correspond to

phone records for subscriber Geraldine Palmers for August 2012 through June 2013 and August through October 2013.

(e) Government Exhibits 941 and 942 correspond to phone records for subscriber Karen Matos for July and August 2012.

(f) Government Exhibit 943 corresponds to phone records for subscriber Michael Bermudez for July 2012.

(g) Government Exhibit 944 corresponds to phone records for subscriber Richard Doll for July 2012.

2. Government Exhibits 910, 911, 947 and 949 contain true and accurate copies of phone records of Verizon Wireless, as more specifically described in the subparagraph that follows. The information contained in the exhibits was recorded at or near the time that the activity reflected therein took place; was recorded by, or obtained from, persons with knowledge of the activity reflected therein; was kept in the regular course of Verizon's business activity; and was relied on as a regular practice of Verizon.

(a) Government Exhibit 910 corresponds to the phone records for subscriber Vianney O. Willot for August through October 2012.

(b) Government Exhibit 911 corresponds to the phone records for subscriber Wendy Jagger for April and July 2012.

(c) Government Exhibit 947 corresponds to phone records for subscriber Steven Huszar for June 2012 and September 2012 through March 2013.

(d) Government Exhibit 949 corresponds to phone records for subscriber Jason Fouks for March 2012.

3. IT IS FURTHER STIPULATED AND AGREED that this Stipulation, which is Government Exhibit 1010, and Government Exhibits 905, 910, 911, 913 through 944, 947, and 949 may be admitted into evidence.

Dated: New York, New York
December __, 2017

JOON H. KIM
Acting United States Attorney
Southern District of New York

By: _____
SARAH E. PAUL
RICHARD A. COOPER
JENNIFER L. BEIDEL
Assistant United States Attorneys

MAURICE H. SERCARZ, ESQ.
Attorney for Defendant
DARCY WEDD

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -	-x	
	:	
UNITED STATES OF AMERICA	:	
	:	
-v.-	:	<u>INSURED BANK</u>
	:	<u>STIPULATION</u>
DARCY WEDD,	:	
	:	S3 15 Cr. 616 (KBF)
Defendant.	:	
- - - - -	-x	

IT IS HEREBY STIPULATED AND AGREED by and among the United States of America, by Joon H. Kim, Acting United States Attorney for the Southern District of New York, Sarah E. Paul, Richard A. Cooper, and Jennifer L. Beidel, Assistant United States Attorneys, of counsel, and Darcy Wedd, the defendant, by and through his attorney, Maurice H. Sercarz, Esq., that:

1. The following institutions are insured banks, meaning that they are insured by the Federal Deposit Insurance Corporation or FDIC:

- a. Bank of America;
- b. Bank of New York Mellon;
- c. the Hong Kong and Shanghai Banking Corporation;
- d. JP Morgan Chase;
- e. Silicon Valley Bank; and
- f. Wells Fargo.

2. IT IS FURTHER STIPULATED AND AGREED that this Stipulation, which is Government Exhibit 1011, may be admitted into evidence.

Dated: New York, New York
December __, 2017

JOON H. KIM
Acting United States Attorney
Southern District of New York

By: _____
SARAH E. PAUL
RICHARD A. COOPER
JENNIFER L. BEIDEL
Assistant United States Attorneys

MAURICE H. SERCARZ, ESQ.
Attorney for Defendant
DARCY WEDD